



HF 2378 – Escapes, Criminal Offense Reclassification (LSB 5215HV)
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Fiscal Note Version – New
Requested by Representative Kurt Swaim

Description

House File 2378 equalizes the penalty for all escapes or attempted escapes from custody. Under the Bill any escapes are a Class D felony.

Background

Correctional and Fiscal Information

- Current law provides for a Class D felony escape offense if the underlying offense is a felony.
- Current law provides for a serious misdemeanor escape offense if the underlying offense is a misdemeanor.
- There were 72 offenders convicted of escape in FY 2009; of these, 37 were misdemeanants.
- Enhancing penalties increases the average length of stay in prison and the incarceration rate (number of offenders sentenced to prison). The average length of stay in prison is 14.3 months for a Class D felony and 10.8 months for a serious misdemeanor. The average length of stay on probation is 31.6 months for a Class D felony and 11.2 months for a serious misdemeanor.
- The incarceration rate to prison for Class D felony escape is 66.0%. The incarceration rate for misdemeanor escape is 56.0%. Misdemeanants are more likely to be sentenced to jail under current law. However, the average length of stay in county jails is not known.
- The marginal cost per day for prison is \$18.29 per offender. The average daily cost for probation is \$3.64 per offender.
- The average cost per misdemeanor case for the court system is \$200 for a bench trial and \$1,000 for a jury trial.
- The average cost per felony case for the court system is \$405 for a bench trial and \$2,500 for a jury trial.
- The difference in cost per case for indigent defense for a serious misdemeanor compared to a Class D felony is \$600.

Minority Data Information

- The U.S. Census estimate for Iowa was 3.0 million people as of July 1, 2008 (the most current estimate available). Men comprise 49.3% of the population. Approximately 92.0% of Iowa's population is white. The composition of the remaining 8.0% is: 3.2% black, 0.3% American Indian or Alaska Native; 1.7% Asian; and 2.8% is of two or more races or unknown.
- Iowa's prison population was 8,454 offenders on June 30, 2009. Men comprise 92.1% of the population. According to the Criminal and Juvenile Justice Planning Division (CJJPD) of the Department of Human Rights, the racial composition of the prison system was: 71.4% white; 25.8% black; 0.9% Asian or Pacific Islander; and 1.9% American Indian or Alaska

Native. Included in these racial groups were 6.7% that identified themselves as Hispanic (nearly all of these identified themselves racially as being white).

- According to the CJJPD, on June 30, 2009, approximately 7.9% of the offenders in prison were women and 26.5% of offenders under supervision in Community-Based Corrections (CBC) were women. Approximately 21.9% of the total offender population under correctional supervision was women.
- Where race was known for offenders convicted of escape, 12.5% were Hispanic and 37.5% were black.

Assumptions

Correctional and Fiscal Information

- Charge, conviction, and sentencing patterns and trends will not change over the projection period.
- The criminal sentencing change takes effect July 1, 2010. A lag effect of six months is assumed from the law's effective date to the date of first entry of affected offenders into the correctional system.
- Half of the offenders are indigent.
- These cases will be bench trials.

Minority Data Information: Approximately 14.0% of Iowa's population has at least one disability. The number of disabled offenders convicted under this Bill may be 14.0%.

Summary of Impacts

Correctional Impact: There will be an estimated 37 offenders annually convicted of a Class D felony under the Bill that are currently convicted of a serious misdemeanor under current law. Eleven of these offenders will be sentenced to prison and 7 will be sentenced to probation in FY 2011. In FY 2012 and annually thereafter, there will be 25 offenders sentenced to prison and 12 sentenced to probation. All of these offenders will remain in the correctional system for a longer period compared to current law. The table below shows the correctional impact on the prison system. The population increases by more than the number of admissions because the average length of stay exceeds one year (14.3 months).

Projected Prison Population Increase

FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
11	30	39	40	41

Minority Impact: This Bill will increase the number of minorities, specifically blacks and Hispanics, sentenced to prison. They will remain in prison for a longer period compared to current law. For those sentenced to probation, they will serve a longer sentence under this Bill's provisions compared to current law.

Fiscal Impact

The fiscal impact is estimated to be \$46,000 in FY 2011. This estimate includes additional costs for the prison system (\$36,000), indigent defense (\$6,000), and the court system (\$4,000). The fiscal impact for FY 2012 is estimated to be \$219,000. This estimate includes additional costs for the prison system (\$200,000), indigent defense (\$11,000), and the court system (\$8,000).

The fiscal impact to the Community-Based Corrections (CBC) system is anticipated to be minimal for the first two years. Costs are expected to increase in future fiscal years due to increasing caseloads attributed to the increased length of stay for offenders.

Fewer misdemeanants will serve time in county jails so there will be savings to county jail operations but the impact cannot be estimated due to a lack of data.

Sources

Department of Human Rights, Criminal and Juvenile Justice Planning Division
Department of Corrections
Judicial Branch
Office of the State Public Defender

/s/ Holly M. Lyons

February 15, 2010

The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the correctional and minority impact statements were prepared pursuant to Iowa Code Section 2.56. Data used in developing this fiscal note, including correctional and minority impact information, is available from the Fiscal Services Division of the Legislative Services Agency upon request.
